

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CHRISTOPHER SCOTT EMMETT,

Plaintiff,

v.

Case No. 3:07CV227

**GENE M. JOHNSON, Director,
Commonwealth of Virginia
Department of Corrections**

**GEORGE M. HINKLE, Warden,
Greenville Correctional Center, and**

**LORETTA K. KELLY, Warden,
Sussex I State Prison, et al.**

Defendants.

**CONFIDENTIALITY AGREEMENT
PURSUANT TO THE PROTECTIVE ORDER**

I, _____, am counsel of record/a trial expert (circle one) in the above-captioned matter. I understand that Virginia Department of Corrections Division Operating Procedure 426 Execution Manual ("DOP 426") is produced pursuant to the provisions of the Protective Order entered in the above-captioned case.

I understand that the district court found that DOP 426 is a highly confidential document that addresses, among other things, security procedures of the Virginia Department of Corrections and is not to be copied or disseminated or the substance thereof disclosed in any manner.

I agree to be bound by all provisions of the Protective Order attached hereto and any additional orders of the court governing dissemination and use of DOP 426.

I specifically agree that DOP 426 is not to be disclosed or distributed, in oral or written form, to any incarcerated person or previously incarcerated person, including Plaintiff Christopher Scott Emmett, or any family member thereof. DOP 426 or the substance thereof is not to be disclosed or distributed, in oral or written form, to any member of any advocacy organization, institution of learning or its publications, or the

media. DOP 426 or the substance thereof is not to be disclosed or distributed, in oral or written form, to any individual who is not counsel of record in the above-captioned case, counsels' immediate assistants, or trial experts.

I agree that my copy of DOP 426 (#_____), in my possession will be returned to the Office of the Attorney General immediately at the close of this litigation or after the execution of Plaintiff Christopher Scott Emmett, whichever comes first. I agree to certify by letter to the Office of the Attorney General that no copies of DOP 426 remain in the file, office or in my possession (constructive or actual).

I further agree that any and all deposition records released from the *Walker v. Johnson*, Case No. 1:01cv 934 (E.D. Va. 2006), will be kept confidential under the terms of this confidentiality agreement and any additional orders of the court governing dissemination and use of the released deposition records. However, information from *Walker v. Johnson* that is already a matter of public record is not subject to this agreement.

I agree that violation of this Agreement constitutes violation of the Protective Order entered in this case and bears penalties consistent with contempt of court.

Signed by Counsel/Expert

date

Witness

date